

REQUEST FOR EXEMPTION FROM CHAPTER 103F, HRS

CHIEF PROCUREMENT OFFICE
STATE OF HAWAII

To: Chief Procurement Officer

FROM: Department of Health/Developmental Disabilities Division

Pursuant to § 103F-101(a)(4), HRS, and Chapter 3-141, HAR, the Department requests a procurement exemption to purchase the following:

Title and description of health and human service(s): Transitional residential support services for an adult female with developmental disabilities/mental retardation, psychiatric disorder with challenging behaviors: Individual who had recently been hospitalized for a leg fracture and dislocated hip needed to be transitioned from the hospital to a home on Maui owned by family. Because of retardation and her challenging behaviors, the Department, at the request of mother/guardian and her attorney, agreed to provide transitional services from an agency providing both personal assistance and behavioral supports on Maui. These supports are necessary to ensure her health and safety. Nursefinders has submitted that their supports are over and beyond that provided under the Title XIX HCBS – DD/MR Medicaid waiver program. Mother is intending to become a provider of Title XIX Home and Community Based Services – DD/MR (HCBS – DD/MR) Medicaid waiver services, however, has not been able to submit a proposal date.

It is intended that these services and supports will eventually be provided under the Home and Community Based Services – DD/MR Medicaid waiver. Agency is expected to provide documentation to continue use of 100% State funds.

Provider Name: Nursefinders, Inc.	Total Contract Funds: Estimated \$50,000	Term of Contract: May 12, 2005
Provider Address: NOTE NEED ADDRESS	Contract Funds per Year (as applicable):	To: June 30, 2005

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

It was necessary to transition the individual in question to a community home from the hospital. Based on discussions with the mother/guardian of the individual and her attorney, the Department agreed to provide assistance and behavioral supports in a transitional residential setting on Maui. The individual has a long history of aggressive and assaultive behaviors towards staff as well as others. Other agencies on Maui do not have the type of behavioral supports (professionals) in their service menu; the only other agency on Maui offering behavioral supports previously discharged the individual in question as unmanageable.

To facilitate transition from the hospital immediately, administrative decision had been made to provide supports using State funds as the agency in question could not provide services using Medicaid waiver services. Procurement by competitive means would not have been practical given time constraints.

Details of the process or procedure to be followed in selecting the service provider to ensure maximum fair and open competition as practicable:

Agency willing to provide necessary staffing supports to the individual in Maui was the only alternative mutually agreeable to guardian and Department given its full range of supports and history of providing similar services to other individuals with challenging behaviors. As the agency is also contracted to provide Medicaid waiver services, it was also intended to use state funds in a time limited period and transition to waiver services and funding

A description of the state agency's internal controls and approval requirements for the exempted procurement:

Transition services are intended to be time limited. Departmental administrators and case manager are working to define expectations and work performance criteria for continued state funding. It is fully intended to transition to Title XIX Medicaid waiver services. Department felt it needed to be responsive to the urgency of the situation, given the need to transition individual to Maui with the least potential harm to self and others.

A list of state agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Dr. Linda Rosen, Deputy Director, Department of Health
Dr. David Fray, Chief, Developmental Disabilities Division
Trudy Murakami, PHAO, Developmental Disabilities Division

Direct questions to (name and position):

Dr. David Fray, Chief, DDD

Phone
number:

586-5840

e-mail address:

dffray@mail.health.state.hi.us

This exemption should be considered for list of exemptions attached to Chapter 3-141,
HAR: Yes ☒ No ☐

I certify that the information provided above is to the best of my knowledge, true and correct.


Department Head Signature

JUN 13 2005

Date

Chiyome Leinaala Fukino, M.D.

Typed Name


Director of Health

Chief Procurement Officer's Comments:

SEE ATTACHED COMMENTS

Please ensure adherence to applicable administrative requirements.

☐ Approved ☐ Denied


Chief Procurement Officer

6/17/05
Date

Cc: Administrator
State Procurement Office

Chief Procurement Officer's Comments:

Returned without action. This request is not appropriate for exemption. It should be submitted as a Request for Crisis Purchase of Services pursuant to Chapter 3-147, HAR, (Form SPO-H 600).